THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 18333 OF 1996

Date: 19.12.2006

Between:

Jonnadula Ramaiah.

... Petitioner

and

The Govt. of A.P. rep., by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad and three others.

... Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 18333 OF 1996

ORDER:

Seeking a direction to the respondents not to alter the nature of the land, in an extent of Ac.4.40 cts situated at old Survey No. 221, T.S. NO. 5/1, Ward-1, Block-1 of Perala village, Chirala Mandal, Prakasam District, from that of a burial ground to that of house sites, the present writ petition is filed.

According to the petitioners, the land which for the past several years was being used as a burial ground was sought to be converted into plots for being allotted to weaker sections. Petitioner would contend that these lands cannot be assigned as they were used as a burial ground for their community.

Smt. P. Vijaya Lakshmi, learned Counsel for the petitioner, would place before this Court, a copy of the letter dated 23.10.2000 addressed by the Mandal Revenue Officer, Chirala to the Collector wherein it is stated that the Villagers of Perala had represented that the extent of Ac.1.40 cts of land, reserved for a burial ground, was not sufficient and that the remaining extent of Ac.3.00cts also be earmarked for the burial ground. According to the Mandal Revenue Officer from out of the extent of Ac.3.00 cts, an extent of Ac.2.40 cts could be kept apart for the burial ground and the remaining extent of Ac.0.60 cts could be utilised for

allotment of house sites to the encroachers of the land.

To what extent, land should be earmarked for a burial ground and as to whether the already earmarked extent of Ac.1.40 cts would suffice or whether a further extent of Ac.2.40 cts of land is required to be earmarked are all matters for the competent authority to examine and not for this Court, in proceedings under Article 226 of the Constitution of India, to direct. Since the grievance of the petitioner herein is that the existing burial ground, of an extent of Ac.1.40 cts, is hardly sufficient and that they need the entire extent of Ac.4.40 cts, are matters for the District Collector, to examine, it would suffice if the petitioners herein are permitted to submit a detailed representation in this regard to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent is directed to consider their representation, take action in accordance with law and communicate the decision in this regard to the petitioner, within a period of three months from the date of receipt of the representation.

The writ petition is accordingly disposed of. However, in the circumstances, without costs.

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Date: 19.12.2006 RAMESH RANGANATHAN, J

MRKR